

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

|                                       |                                 |
|---------------------------------------|---------------------------------|
| FEDERAL TRADE COMMISSION,             | :                               |
|                                       | :                               |
| Plaintiff,                            | :                               |
|                                       | :                               |
| v.                                    | : Civil Action No. 00-1688 (JR) |
|                                       | :                               |
| H. J. HEINZ, COMPANY, <i>et al.</i> , | :                               |
|                                       | :                               |
| Defendants.                           | :                               |

ORDER

The Federal Trade Commission moves for an injunction pending appeal. The Defendants have undertaken in open court that they will take no steps to consummate the merger pending a further order of the Court of Appeals provided that the Commission files its anticipated motion for an injunction pending appeal (with a motion for expedited appeal) by Monday, October 23, 2000. The Commission represents that it is prepared to meet that schedule. With that undertaking and that representation, and because this Court is not in a position to determine whether the Court of Appeals will entertain an expedited appeal (or, if so, how long the expedited process might take), it is this \_\_\_\_ day of October 2000

ORDERED that the Commission's motion for an injunction pending appeal [# ] pursuant to Rule 62 of the Federal Rules of Civil Procedure is **denied**.

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JAMES ROBERTSON  
United States District Judge

Copies to:

Richard B. Dagen  
Paul J. Nolan  
Gary H. Schorr  
Thomas S. Respass III  
Joseph Brownman  
David A. Balto  
James A. Fishkin  
Federal Trade Commission  
600 Pennsylvania Avenue, N.W.  
Washington, DC 20580

Counsel for Plaintiff

Edward R. Henneberry  
Howrey & Simon  
1299 Pennsylvania Avenue, N.W.  
Washington, DC 20004-2402

Counsel for Defendant H. J.  
Heinz Company

Mark Kovner  
Gerald F. Masoudi  
David R. Pruitt  
Kirkland & Ellis  
655 15th Street, N.W.  
12th Floor  
Washington, DC 20005

Counsel for Defendant Milnot  
Holding Corporation

David A. Bentley  
Dewey Ballantine L.L.P.  
1775 Pennsylvania Avenue, N.W.  
Washington, DC 20006-4605

Wayne A. Cross  
Michael J. Gallagher  
Michelle L. Wilhelm  
Dewey Ballantine L.L.P.  
1301 Avenue of the Americas  
New York, NY 10019-6092

Counsel for Non Party Gerber